App. F. IX-4

Previous References

193 C. (SA)

File No. 466-30

Serial Nos. 142

Later References

SA 3-32(1-2)
SA 773-36(1-4)
SA 1465-40-4-5

General and Revenue Secretariat.

S & A. 244-40(1)
S & A 341-42(3)
FD IPCO 61

Serial Nos. Two

Part B for August 1937

SUBJECT.

Form of Security Bond for execution when Lumpsum of Compassionate Gratuity is sanctioned to the minor of a deceased employee

82) To Heads of all Mins,
No 899-900 of 4.8.37

Issues instructions on the above

11/8/37

Serial No.

D.7464

no. 2676/Secy dy 6.6.31

Comn from the Compte requesting orders of Govt clearly specifying the nature of the Security to be taken, and the form of the bond to be obtained according to law in cases in which the Compensation Authority is ordered to be paid to the guardian claimants –

In para 2, the Compte points out that with a view to guide the Departmental officers, it is necessary to specify the extent of security required in each case, and adds that in most of these cases, the claimants will be either mothers or elder brothers of the minor children, and will be guardians according to law by virtue of being either natural guardians or managing members of a mitakshra Law Hindu undivided family and in such cases, the obtaining of an indemnity bond or other Security is superfluous.

Rec collection of S & A File no. 258-B sanctioning the Scheme for the grant of C.G. to the families of deceased officers, is below; with a printed copy of G.O. for communicating Sanction.

Submitted for orders/ re Govt, C.G. Pay dy 6.31. /having Sanction under

NOTE—Contn. Sheet

WD 02553—50,000—GPB—8-7 30

regarding the nature of the "Adequate Security" to be obtained from the Claimants to compassionate gratuity, he was referred to the Govt Advocate for consultation & advice. (Letter no. 6736 dy 6.3.31).

2 May the Supdt be requested to intimate whether he consulted the G.P. and if so, what his opinion was, and how the case pending were disposed of? This is not necessary.

Submitted for orders.

Sd
30.6.31

4) In connection with the C.G. to the family of the late Mr C. V. Narasimhaiengar, Ho. clerk, the A.R. held the view that "it is much better if she furnishes a Security instead of an indemnity bond which could not be enforced against a woman". This is now being followed in cases where compassionate gratuity is ordered to be paid to women.

Submitted
1/7/31.

5 The Govt. Advocate may be consulted

MW
1/7/31

6 How an adequate Security can be demanded of a woman to enforce conditions of grant of what is practically a monthly stipend in many cases is a point not altogether free from difficulties in actual practice

K

Serial No.

C.G. is granted for the benefit of the family of the deceased & very often the mother is the natural guardian of her own progeny and is at least as much interested in the benefit of her own posterity as anybody outside could be. It would therefore not be reasonable that one who has to depend for her maintenance on food should not be called upon in such cases to furnish tangible security from persons who may not be quite willing or may be distant relatives of deceased. If this condition should be insisted upon, it appears to be reasonable to insist upon it only where there is a lump payment once and finally and not where a recurring monthly payment is involved. If considered necessary, G.A.G. & R. may be consulted. As reported by Comptroller in some of the cases, persons have not been disbursed on the ground that security was not furnished.

2.7.31

917/27

GOVT. ADVOCATE'S OFFICE - 6 JULY 1931 BANGALORE.

Addy

U.O. No. 7 / 6.7.31

To Government Advocate in Compliments for favour of opinion on the two points raised in para 3 of the Comptroller's letter.

4.7.31

U.O. No. 11 dt. 15.7.31.

Returned with compliments.

It is not necessary to require any security when monthly stipends are paid for the maintenance of the family of the deceased Government Official.

What precaution is taken for the utilisation of stipends for the benefit of the children of the guardian in this case? 25/7

SECRETARIAT NOTE—Cloth Sheet 25 JULY 1931

WD 02553—50,000—GPB—8-7-30

ficial or Officer.

9 When a lump-sum grant is made and the grantee is a minor, a bond from a solvent person who consents to stand surety would be absolutely necessary so as to safeguard the grantee's interests. Such surety should be possessed of sufficient means to be able to meet any possible ~~xtxim~~ claims of the grantee and pay up the amount, if it is made out that the amount taken from Government has not been properly utilized by the guardian.

10 An Indemnity Bond would not do unless the person, who withdraws the amount as the minor's guardian, ~~who~~ himself possesses the qualification stated above - and as such capable of meeting any claims of the minor when he attains majority.

11 A form of the Bond is herewith enclosed. That may be adopted in all such cases with suitable alterations.

Bangalore,
24-7-1931.

Government Advocate.

Please peruse and advise me.
Better bond is in the form of a
To be submitted, as Office.
25/7/31
Draft Ag

30 JULY 1931 No. 837

SECRETARY 28 JULY 1931 No.

D.O. note is submitted
27.7.31

Draft Ag. submitted
Ag
27-7-31

1764/28/7

1st Member 28/7/31 Ag

30-7-31

Secretariat | File No. [illegible] of 193[illegible]

Serial No.

To, The Heads of all offices, G.O. no. 859-900 Dt 1.8.1931.

Directs that when the payment of a C.G. is sanctioned to the guardian of the minor heir of a deceased employee, a security bond should be duly executed by the payee of a solvent person in the form of the bond appended to the order, before payment is made.

In cases in which payment in instalments for a fixed period of years by conversion into a "special pension" is ordered, the execution of an indemnity bond or the furnishing of adequate security is insisted upon when the payee is either a male or female.

The legal opinion is that it is not necessary to require any security when monthly stipends are paid.

May separate orders issue to the above effect in the matter?

Submitted for orders.

7/8/31.

May be issued

7.8.31

Flsey,

No further general orders are necessary. Each case may be considered on its own merits.

8/8/31

Arrs for 8

"The order is to issue in print. Printed Copies have not been received"

7/8/31.

Printing in hand

NOTE—Consult Sheet.

WD 02553—G PB—50,000—8-7-30

Bangalore, dated 6th June 1931.

No. 2576/Pen. 2/ one.

Very Cus
A.G. 10.6.31

From

S. SHAMANNA, Esq., B.A.,
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

To

S+A 466 - 30 - 1

Rajasevaparayana
B. Srinivasa Iyengar Esq.,B.A., B.L.,
Secretary to the Government of Mysore,
Financial Department, Bangalore.

Sir,

I have the honor to state that where the family of a deceased officer includes minor children,the compassionate gratuity is ordered to be paid to the guardian claimants subject to their producing adequate security that the amount will be utilised in the interests of the minor children also. The meaning of the words "adequate security" has not been ~~definited~~ defined and a doubt is felt as to their exact significance. I forward herewith for the information of Government a copy of my letter No.Pen.2327-28 dated 5-5-1931 addressed to the Director of Public Instruction in the matter.

A

2. This office has been authorising payment at present, on the Heads of Departments specifically mentioned that "adequate security" has been taken. But, with a view to guide the Departmental Officers it appears necessary to specify the extent of security required in each case. I have to add in this connection that in most of these cases the claimants will be either mothers or elder brothers of the minor children and will be guardians according to Law by virtue of being either natural guardians or managing members of a Mitakshara Law Hindu undivided family. In such cases the obtaining of an indemnity bond or other security is superfluous. It is only in other cases that adequate security has to be taken.

3. I request orders of Government and issue needful instructions

to

to all disbursing officers clearly specifying the nature of the security to be taken and the form of the bond to be obtained according to Law.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Comptroller
For Comptroller absent from
Headquarters.

2136

Copy of letter No.2327-8 Pen dated 5th May 1931, from the Comptroller in Mysore, Bangalore, to the Director of Public Instruction in Mysore, Bangalore.

With reference to your docket No.A2 Pen.1671/71 of 30-31 dated 23rd April 1931 in the matter of furnishing adequate security before payment of compassionate gratuity, I have the honor to state that in such cases what is wanted is the obtaining of adequate security against the misuse of the amount, sanctioned by Government for the benefit of the family as a whole of the deceased officer. An indemnity bond executed by the claimant alone would no doubt do for the purpose provided the party is sufficiently solvent. In most of these compassionate gratuity cases the claimants are not likely to be sufficiently solvent themselves and if the indemnity bond has to be considered as adequate security for the purpose in view, the bond will have to be executed with one or two solvent sureties as the head of the department considers it desirable on the merits of each case. It is not for this office to say whether the indemnity bond so executed with one more solvent sureties or without sureties is adequate security or not as it is for the administrative office to satisfy themselves of the security and what is wanted by this office is an intimation to the effect that the necessary security has been furnished. I therefore request you to intimate in each case that adequate security has been obtained so as to enable this office to authorise payment.

Copy of the above forwarded with compliments, to the Director of Agriculture in Mysore, for information, with reference to his letter No.Petn.63 Est.135/29-30 dated 11th April 1931.

---

for Superintendent, Records Section
Comptroller's Office.

MSR

2/3 9.6

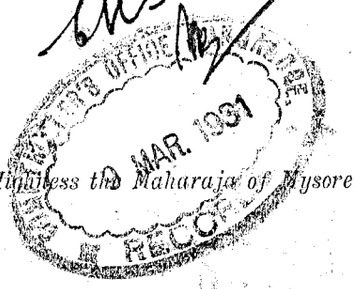
GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

FINANCIAL SECRETARIAT,

Dated, Bangalore, 6th March 1931.

No. H6736/

34349



From

Rajasevaparayana
B. SRINIVASA IYENGAR, Esq., B.A., B.L.,
Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

B. Puttaiya, Esq., B.A.,
Superintendent, Government Printing,
Bangalore.

Sir,

With reference to your letter No.2883 dated 25th February 1931 regarding the nature of the "Adequate security" to be obtained from the claimants to compassionate gratuity, I am directed to state that the Government Advocate may be consulted and necessary action taken as per his advice.

I have the honor to be,
Sir,
Your most obedient servant,

Sd/- B.Srinivasa Iyengar,

~~For~~ Financial Secretary to Government.

Memo No. H6737/Ex dtd 6/3/31

Copy of the above is forwarded, with compliments, to the Comptroller to Government, with reference to his letter No.1669/Pen dated 17th February 1931 to the Superintendent, Government Printing.

By Order,

For Financial Secretary to Government.

Letter No.P.2883 dated 25th February 1931 from the Superintendent, Government Printing, Bangalore, to the Financial Secretary to Government, Bangalore.

I have the honor to state that the Comptroller to Government to whom a reference was made from this office regarding the nature of the "Adequate Security" to be obtained from the claimants to Compassionate Gratuity, informs in his letter No.1669/Pen. dated the 17th instant, that the necessary information may be got from your office. I therefore, request that the nature of the security that has to be obtained from the claimants to compassionate gratuity in lieu of or in addition to Indemnity Bond may be kindly caused to be intimated to this office, as some claims are pending disposal in this office, since long for want of this information.

"Copy"

K Venkata Rao

Superintendent, Financial Branch.

SUBJECT .....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193* .

Date of issue 10-8-31

Signed by MA.N.R

May this be

(i) Printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

Sec. Sd P.

File No. 466 – 30

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter no. 2576 / Pen dy 6.6.31 from the Comptr requesting ~~orders by wire~~ the issue of necessary instructions to all disbursing officers ~~thereby~~ specifying the nature of the security to be taken and the form of the bond to be obtained according to law, in cases in which the Com. gratuity is ordered to be paid to the guardians of minor claimants subject to their producing adequate security that the amount will be utilized in the interests of the

~~Order Thereon No.~~

(2) H.O. note dt 24.7.31 from the
G.P. on the subject.

Case of 1859-900

Govt are pleased to lay down the
the following instructions for the
guidance of all disbursing officers:-

(1) No security need be taken
when monthly stipends are paid
for the maintenance of the
family of the deceased Govt. official or officer
(2) When a lump sum grant
is effected and the grantee is
a minor, a bond from a
solvent person who consents
to stand security would be
absolutely necessary so as to
safeguard the grantee's
interests. Such surety should be
possessed of sufficient
means to be able to meet
any possible claims of the
grantee and pay up
the amount, if it is made out

In case of
when
payment of compassionate
gratuity is sanctioned to the
guardians of
minor heirs of
deceased employees,
a bond
with
security is insisted
upon
under Treasury
rules
or
where
the
grantee
is
illiterate
or
pardanashin
lady
the
bond
is
executed
in the
presence
of
two
witnesses.

List of enclosures
this
appendix
above
duplicate
is
attached.

Copied by

Examined by

28/7/31

G. R. S. G/33]

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

that the amount taken from Court has not been properly utilized by the Guardian.

(3) An Indemnity Bond will not be sufficient unless the person who withdraws the amount as the minor's Guardian himself is a person of sufficient means to be able ~~possesses the qualifications stated to meet any possible claims of the ward~~ ~~about and as such capable~~ to meet any claims of the minor when he attains majority.

(4) A form of the Bond is appended, ~~and may be adopted~~ for adoption in all such cases ~~with suitable alterations.~~

Print.

WD AD 27.7.31 Jud. Sect.

Do

Me Nos of all appeals

WD. 2230—GPB—1,00,000—23-7-20

By this Bond, We, ...
widow of .....
now deceased, (hereinafter called the "Payee"), and
..... son of .....
..... aged ..... years, residing at No. .
..... (hereinafter called the -
"Surety") are held and firmly bound jointly and severally to the .....
for and on behalf of the Government of His Highness - the Maharaja of Mysore, for the payment to him of the sum of Rupees ..... only.

Signed this ..... day of .....,
One Thousand Nine Hundred and Thirty One.

SIGNATURE OF PAYEE.

SIGNATURE OF SURETY.

WHEREAS the Government of His Highness the Maharaja of Mysore have, in Government Order No. .....
..... dated ..... been pleased to sanction the payment of a Compassionate Gratuity of - Rs. ..... only to .....
guardian of (1) ..... aged
..... years, (2) ..... aged
..... years, (3) ..... aged
..... years, who are the children of the afore-
said

aforesaid ..... deceased.

AND WHEREAS, the Comptroller to the Government of His Highness the Maharaja of Mysore has directed the obtaining of adequate security from the aforesaid ..... guardian of the said minor heirs, that the amount of the gratuity payable under the said order shall be used by her in the interests of the said minor heirs of the aforesaid ..... deceased.

AND WHEREAS, the said Surety has agreed to stand Surety for the said ..... in respect of the due application of the gratuity amount in the interets of the said minor heirs,

NOW the condition of the abovewritten Bond is such that if the said ..... shall faithfully carry out the conditions on which the gratuity is paid to her for and on behalf of the minor heirs, and use the aforesaid amount in the interests of the said minor heirs and pays over to them the balance of the amount, if any, remaining at the time of the said minors ~~heirs~~ attain their majority, and shall not misappropriate or withhold the aforesaid gratuity then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF the said ..... (the Payee) and .....(the Surety) have hereunto set their hands the day and year aforewritten.

Attestors:-

1. .....

2. .....

SIGNATURE OF PAYEE.

SIGNATURE OF SURETY.

Draft,

Government Advocate.

the Maharaja of Mysore.

R e a d:-

Letter No.2576/Pen. dated 6th June 1931, from the Comptroller, requesting the issue of instructions to all disbursing Officers specifying the nature of the Security to be taken and the form of the bond to be obtained in cases in which the compassionate gratuity is ordered to be paid to the guardians of minor claimants.

ORDER NO.Fl. 859-900

Dated, Bangalore, the 1st August 1931.

When the payment of a compassionate gratuity is sanctioned to the guardians of minor heirs of a deceased employee, a security bond should unless otherwise specified in the order of sanction, be invariably got executed by the payee and a solvent person in the form appended to this order, before payment is made.

To

The Heads of all Offices.

Print

Yours DRAFT)

Financial Secretary to Govt.

S.O.

Government of his highness the Maharaja of Mysore.

FINANCIAL DEPARTMENT.

G. O. No. Fl. 859-900—S. & A. 466-30-2. dated 4th August 1931.

Form of the Security Bond.

Prescribes the —— for execution when the payment of compassionate gratuity is sanctioned to the guardian of the minor heir of a deceased employee.

READ—

Letter No. 2576—Pen., dated 6th June 1931, from the Comptroller, requesting the issue of instructions to all disbursing Officers specifying the nature of the Security to be taken and the form of the bond to be obtained in cases in which compassionate gratuities are ordered to be paid to the guardians of minor claimants.

ORDER NO. FL. 859-900—S. & A. 466-30-2, DATED 4TH AUGUST 1931.

When the payment of a compassionate gratuity is sanctioned to the guardian of the minor heir of a deceased employee, a security bond should, unless otherwise specified in the order of sanction, be invariably got executed by the payee and a solvent person in the form appended to this order, before payment is made.

B. SRINIVASA IYENGAR,
Secretary to Government,
Financial Department.

To—The Heads of all Offices.

Exd.—C. K.

No. Fl. 859-900—S. & A. 466-30-2. dated 4th August 1931.

APPENDIX.

FORM OF THE SECURITY BOND.

By this Bond, we.....
widow of.....
now deceased, (hereinafter called the "payee"), and.....
son of.....aged.....years,
residing at No..... (hereinafter called the "Surety") are held and firmly bound jointly and severally to the.....
.....for and on behalf of the Government of His Highness the Maharaja of Mysore, for the payment to him of the sum of Rupees.....only.

Signed this.....day of.....
One thousand nine hundred and thirty one.

Signature of Payee.

Signature of Surety.

WHEREAS the Government of His Highness the Maharaja of Mysore have, in Government Order No .....dated..... been pleased to sanction the payment of a Compassionate Gratuity of Rs.....only to.....
guardian of (1).....aged.....years,
(2).....aged.....years, (3).....aged
.....years, who are the children of the aforesaid.....deceased.

AND WHEREAS, the Comptroller to the Government of His Highness the Maharaja of Mysore has directed the obtaining of adequate security from the aforesaid.....
.....guardian of the said minor heirs, that the amount of the gratuity payable under the said order shall be used by her in the interests of the said minor heirs of the aforesaid.....deceased.

AND WHEREAS, the said Surety has agreed to stand Surety for the said.....
.....in respect of the due application of the gratuity amounts in the interests of the said minor heirs.

NOW the condition of the above written Bond is such that if the said.....
.....shall faithfully carry out the conditions on which the gratuity is paid to her for and on behalf of the minor heirs, and use the aforesaid amount in the interests of the said minor heirs and pays over to them the balance of the amount, if any, remaining at the time the said minors attain their majority, and shall not misappropriate or withhold the aforesaid gratuity, then this obligation shall be null and void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF the said.....(the payee) and.....(the Surety) have hereunto set their hands the day and year aforewritten.

Attestors:—

1. *Signature of Payee.*

2. *Signature of Surety.*

WD 331—GPB—725—5-8-31